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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,353	12/03/2003	William John Fosnight	PRI-174XX	5440
207	7590	12/06/2005	EXAMINER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109			KEENAN, JAMES W	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/727,353	Applicant(s) FOSNIGHT ET AL.	
	Examiner James Keenan	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 28-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 53-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/8/04</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's election of Group I, claims 1-27 and 53-64, is acknowledged. Claims 28-52 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/27/05.

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 12, 13, 19, 20, and 53-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakane et al (US 4,483,651).

Nakane et al show a material unit transfer apparatus for moving at least one material unit between transport equipment 2 and at least one storage location 5, comprising first planar platform 3 "configured to hold", as broadly claimed, at least two material units 8, first transfer mechanism 11 operatively coupled to the first platform and configured to move one or more material units along a first axis, and a second transfer

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mechanism 4 "operatively coupled to the first platform", as broadly claimed, and configured to move material units between the first platform and an adjacent second platform 3' along a second axis at a right angle to the first axis.

Re claim 12, note third transfer mechanism 9 for lifting the material units along a third axis at right angles to the first and second axes.

Re claim 19, note in the figure 4 embodiment that the chambers 2 "can be provided with means for taking ... out ... and transferring the treated wafer ... to a subsequent location" (col. 6, lines 10-13) and thus are considered transport equipment.

5. Claims 1-3, 7-12, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hainsworth (US 4,492,504).

Hainsworth shows a material unit transfer apparatus including first platform 44, first transfer mechanism 46, second platform 40, and second transfer mechanism 50.

Re claim 12, note third transfer mechanism 60.

Re claims 17-18, note that the storage location comprises fixed shelves 32 in a "stocker" 20.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hainsworth in view of Hansl (US 2003/0185656).

Hainsworth does not show the first transfer mechanism to include two elongated members to be used for simultaneously extracting a plurality of material units from the storage location.

Hansl shows a similar material unit transfer apparatus wherein a first transfer mechanism 14 includes two elongated members 15 capable of simultaneously extracting two material units 4 from a storage location 17.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Hainsworth such that the first transfer mechanism included two elongated members to be used for simultaneously extracting a plurality of material units from the storage location, as shown by Hansl, as this would provide greater efficiency and flexibility in the transfer apparatus.

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9. Claims 14-18, 21-25, and 58-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakane et al.

While Nakane et al show the material unit to be a single wafer rather than a cassette or FOUP, it would have been an obvious matter of design choice for one of ordinary skill in the art at the time of the invention to have utilized the reference for transporting a cassette or FOUP, as the reference would work equally well transporting any of these objects. Similarly, the particular type of transport equipment and storage location would have been a mere choice of design.

10. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hainsworth.

As noted above in paragraph 9, the particular type of material unit and transport equipment would have been an obvious design expediency.

11. Claims 19-27 and 53-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hainsworth in view of Nakane et al.

Hainsworth shows only one material unit transfer apparatus, although it includes plural second platforms 40.

Nakane et al show plural transfer apparatuses arranged side-by-side in a plane.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Hainsworth by utilizing plural side-by-side transfer apparatuses, as shown by Nakane et al, as this would improve efficiency.

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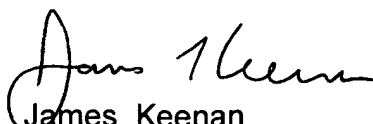
Re claims 26-27, the arrangement of controls and sensors is well within the skill level of an ordinary artisan, especially in view of Hainsworth's substantial control system

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 571-272-6925. The examiner can normally be reached on (schedule varies).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eillen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James Keenan
Primary Examiner
Art Unit 3652

jwk
11/29/05